

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
035146.0002

First named inventor: Lewis, Davidson

Application No.: 09/955,816

Art Unit: 1744

Filed: September 19, 2001

Examiner: Spisich, Mark

Title: Vegetable and Fruit Cleaning Tool

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of reply to Office Action, amended claims and remarks (identify type of reply):

has been filed previously on September 29, 2004, but which was not received and therefore a copy is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

has been paid previously on _____.

is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01/18/2005 AWNDPAF1 00000003 500766 09955816

750.00 DA
01 FC:2453

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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Signature

Date

Kimberly A. Chasteen

36,755

Typed or printed name

Registration Number, if applicable

721 Lakefront Commons, Suite 200, Newport News, Virginia 23606

757-249-5100

Address

Telephone Number

Address

Enclosures: Fee Payment (Transmittal in duplicate as auth. to charge Dep. Acct.)

Reply (Copy of Reply as submitted 9/29/04)

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: Stamped/Addressed Return Receipt Post Card; Transmittal Form; Cert. of Mail

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

1/11/05

Date



Signature

Cynthia D. Parrish

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 CFR 1.137

Applicant: Lewis, Davidson

Application No.: 09/955,816 Attorney Docket No.: 035146.0002

Filing Date: September 19, 2001

Title: Vegetable and Fruit Cleaning Tool

Commissioner for Patents
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

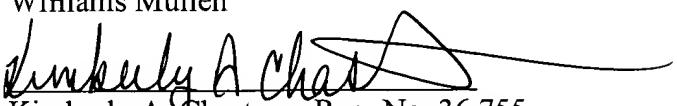
Petition to Revive Unintentionally Abandoned Application Under 37 CFR 1.137

Sir:

As authorized agent of the above referenced applicant and in response to the Notice of Abandonment of Application 09/955,816 filed September 19, 2001, I hereby state the following:

I hereby certify that the original response to the Non-Final Rejection Office Action dated May 5, 2004 and Certificate of Mailing regarding the same, copies of which are enclosed, were deposited with the United States Postal Service on September 29, 2004 and were addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The correct application number and filing date were noted on said original response and attachments. Please accept the attached copy of the response as the official response to Non-Final Rejection for application 09/955,816. I respectfully request that abandonment of application 09/955,816 be withdrawn and prosecution of said application be allowed to proceed.

Respectfully submitted,
Williams Mullen


Kimberly A. Chasteen, Reg. No. 36,755

Fountain Plaza Three
721 Lakefront Commons
Suite 200
Newport News, VA 23606

Date: 11 Jan 2005



CERTIFICATE OF MAILING

In re

Petition to Revive Unintentionally Abandoned Application under 37 CFR 1.137
App. Number: 09/955,816
Filed: September 19, 2001
Inventor: Lewis, Davidson
Our Reference: 035146.0002

I hereby certify that this correspondence and its enclosures are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia. 22313-1450 on January 11, 2005.

Cynthia D. Parrish

Printed or typed name of person signing certificate

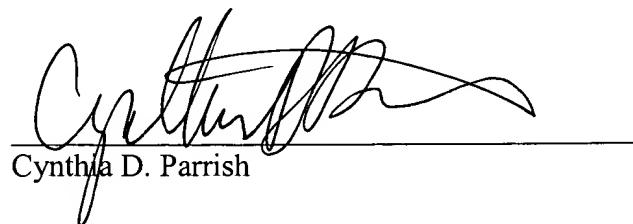
A handwritten signature in black ink, appearing to read "Cynthia D. Parrish". It is written in a cursive style with a long, sweeping line.

Date of signature

Application No.: 09/955,816I
Atty. Docket No.: 035146.0002
Filing Date: September 19, 2001
Petition to Revive



I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop Petition, P.O. Box 1450, Alexandria, VA 22313-1450, on 1/11/05, by Cynthia D. Parrish



Cynthia D. Parrish

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Effective on 12/08/2004.

Subject to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 750.00)

Complete if Known

Application Number	09/955,816
Filing Date	9/19/01
First Named Inventor	Lewis, Davidson
Examiner Name	Spisich, Mark
Art Unit	1744
Attorney Docket No.	035146.0002

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 50-0766 Deposit Account Name: Williams Mullen

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments
under 37 CFR 1.16 and 1.17

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	Fee (\$)	Fee (\$)
- 20 or HP =	x	=	_____	50	25	_____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	_____	_____	_____	_____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	_____	_____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition to Revive Unintentionally Abd. App.

Fees Paid (\$)

\$750.00

SUBMITTED BY

Signature	<i>Kimberly A. Chasteen</i>	Registration No. (Attorney/Agent) 36,755	Telephone 757-249-5100
Name (Print/Type)	Kimberly A. Chasteen	Date 11/09/2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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